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EXTENDING PAY EQUITY BY PROPORTIONAL VALUE AND PROXY COMPARISONS

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MINISTRY OF LABOUR
FEBRUARY, 1991

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INTRODUCTION

The Ontario Labour Minister, Bob Mackenzie announced in December 1990 that he would introduce a bill in the spring to amend the Pay Equity Act, 1987. This bill will add two new methods for job comparison: proportional value comparisons for the public and private sectors and, proxy comparisons for the public sector only. Employers and bargaining agents will be obliged to use whichever one of these two additional methods is appropriate if they have any female job classes for which male job class comparators cannot be found using the job-to-job method. The Minister also stated that before introducing these amendments he would release an information paper outlining the government's intentions in this area.

To fulfil that commitment, this paper has two purposes: a) to provide information on proportional value and b) to present a framework for dialogue on the proxy comparison approach. The proportional value comparison method will apply to both public and private sectors; proxy comparisons are only for the public sector where job-to-job or proportional value comparisons are not possible because of a lack of male comparators.

When the Pay Equity Act, 1987 was passed, Ontario became the first jurisdiction anywhere to require both public and private sector employers to examine and redress any gender discrimination in compensation practices, even if no formal complaint had been made. Minnesota and Manitoba had previously required such pro-active action by certain, but not all, public sector agencies. In Ontario, to ensure that the female job classes are equitably paid, employers covered by the pay equity legislation and their bargaining agents, if any, must evaluate and compare the work performed by predominantly female job classes to the work performed by predominantly male job classes in the same establishment.

The comparison approach of the current Ontario law is a direct job-to-job method. When the pay equity legislation was adopted, the legislators acknowledged that the achievement of pay equity would not be possible using the job-to-job approach for female job classes for which there were no male comparators in the establishment. Rather than delay passage of the law to solve that problem first, the legislators required the Pay Equity Office to conduct studies and make recommendations about how this problem could be resolved.

Since the Act was proclaimed on January 1, 1988, the Pay Equity Office has studied and made recommendations about the problem of a lack of male comparators. On December 18, 1990, the Minister announced that he would proceed with two of these recommended approaches: proportional value comparisons for the public and private sector, and proxy comparisons for the public sector only. This paper elaborates on the Minister's commitment and provides advance information on the additional methods proposed.

The paper is divided into two parts. The first part sets out the details of the government's policy on proportional value. This material is presented to provide information only. Extensive consultations preceded the development of this policy. These consultations confirmed broad support among both labour and management for proportional value comparisons.

The second part of this paper focuses on proxy comparisons for the public sector only. It outlines the approach the government proposes to take in introducing the proxy method and raises a number of issues for consultation. Elements of the proposed proxy comparison amendment are described so that interested public sector unions, employers, groups, and individuals can provide input on the implementation of the proxy comparison method.

After reading and considering this paper, anyone interested in providing input on Part II, the proxy comparison section, is invited to submit comments in writing to: Proxy Consultations, Ministry of Labour, Policy Branch, 400 University Avenue, 15th Floor, Toronto, Ontario. M7A 1T7. Fax: (416) 326-7383.

EXTENDING PAY EQUITY BY PROPORTIONAL VALUE COMPARISONS FOR PUBLIC AND PRIVATE SECTOR EMPLOYERS

MINISTRY OF LABOUR
FEBRUARY, 1991

EXTENDING PAY EQUITY BY PROPORTIONAL VALUE COMPARISONS

Summary and Highlights

This section announces and explains changes which will be made to the Pay Equity Act, 1987. These changes will provide for an additional job comparison method, proportional value, to be used to determine pay equity adjustments in both public and private sector establishments.

Here are the main features of the proposed amendments:

- The Act will require that all female job classes in an establishment be compared with male job classes in the same establishment, using the present job-to-job method, the new proportional value approach, or a combination of the two (the job-to-job plus a proportional value approach).

- There will be a provision that existing pay equity plans, which have been negotiated or developed, posted and deemed approved under the present Act, will not need to be reopened, except to identify pay equity adjustments for any female job class for which a male comparator could not be found using the job-to-job method. In these cases, the plans would have to be reopened only to the extent necessary to apply proportional value and to recalculate the amount and timing of adjustments.

- A reasonable period, six months, will be allowed for negotiating or developing and posting a revised pay equity plan. This period will be allowed only for those plans which are being revised to include a proportional value method because of the amendments. Also, the objection or complaint period will be adjusted accordingly. There will be no changes to the mandatory posting dates currently set out in the Act.

- The parties will be able to decide whether to use proportional value comparisons for all the female job classes, or to begin with job-to-job, and fill in with proportional value comparisons, only for those job classes where job-to-job comparisons are not feasible.

- In unionized workplaces, revisions to existing plans resulting from the proposed amendments will be bargained. If, however, the bargaining agent and the employer cannot agree on which method should be used, there will be a requirement that job-to-job comparisons be done first. For non-union plans, the employer will be able to decide which comparison method will be used provided that it meets with the requirement of the Act, as amended.

- Flexibility and adaptability to the circumstances of different workplaces remain important. The amendments will set out principles for proportional value comparisons rather than prescribe any particular method. Therefore, in

accordance with these established principles, the workplace parties will identify the most appropriate proportional value method for their workplace.

- The Act will require that the employer must, and the bargaining agent, if any, may inform the Pay Equity Office, in writing, when there are female job classes without comparisons, and the workplace parties believe that no proportional value approach can be used in their workplace.

- Pay equity plans based on proportional value comparisons, which have been posted prior to the amendments, will be considered to comply with the Act if the proportional value method used meets the principles established in the amendments, determines the value of female jobs in a gender neutral manner, and fairly and consistently relates the value of the work performed and the compensation received.

- The amendments will not change the requirement that no more than an amount equal to one per cent of the previous year's payroll must be allocated to pay equity adjustments.

- Any pay equity plans which were required to be posted and which identified pay equity adjustments using a job-to-job method will be paid out as mandated in the current Act.

- An employer and the bargaining agent, if any, may choose to use proportional value for all female job classes in the plan. However, for pay equity plans which were posted or which were required to be posted in 1990 and 1991, no female job class shall receive a lower wage through proportional value than would have resulted from job-to-job comparisons.

- After the amendments become effective, if additional pay equity adjustments are calculated using proportional value, the payment schedule must include these newly calculated adjustments. This revision may change the timetable for the pay-out of the adjustment that female job classes receive and the projected date by which pay equity will be achieved. In the public sector, pay equity must be achieved by January 1, 1995.

- These additional pay equity adjustments, calculated using proportional value comparisons, will be effective as of the January after the amendments are passed.

These amendments will allow many more women to achieve pay equity under the Pay Equity Act and should cause the least possible disruption to its implementation. Workplace parties are urged to continue their plan development, but they may wish to take into consideration the effects of these announced changes. The posting of pay equity plans and any pay equity adjustments already calculated should proceed as per the timetables outlined in the Act.

EXTENDING PAY EQUITY BY PROPORTIONAL VALUE COMPARISONS

1.0 Introduction

In this section the government's policy on proportional value comparisons is outlined to provide workplace parties with advance information on what will be contained in the amendments to be tabled this spring.

2.0 Principles Guiding the Development of the Proposed Amendments

A number of principles underlie the development of the proposed proportional value comparisons amendments. These principles are:

- The greatest number of employees, currently covered by the Act, should be able to benefit;
- Proportional value comparisons should apply to all employers currently covered by the Act;
- The pay equity process should continue to be self-managed by the workplace parties;
- There should be flexibility and responsiveness to circumstances in different workplaces;
- The implementation process should be as simple as possible;
- There should be minimal disruption of existing plans; and
- The amount of money an employer is obligated to devote to pay equity adjustments should not be increased beyond the 1% of previous year's payroll.

3.0 Proportional Value Comparisons Explained

Proportional value is a way of indirectly comparing female and male job classes by looking at the relationship between the value of the work performed and the compensation received by male job classes and applying the same principles and practices to compensating female job classes.

There are several ways to make proportional value comparisons. What is common to all of these methods is that they permit relative comparisons to be made for all female job classes to the male job classes in the same establishment, even when there are only a few male job classes on which to base the comparisons.

One of the most common proportional value methods, the wage line, is a widely accepted compensation practice and has been adopted, in some form, by most jurisdictions which have pay equity laws. There may be other ways of making proportional value comparisons which are more appropriate to the conditions in particular workplaces. More information about different proportional value methods can be obtained from the Pay Equity Office Hotline, (416) 481-3314. For long distance, call 1-800-387-8813 or 1-800-387-8887.

4.0 What the Law Will Require

Employers (and bargaining agents for bargaining unit plans) must ensure that all female job classes in the establishment are evaluated using a gender neutral comparison system. This is the requirement of the present Act. At present, the search for comparison ends when the direct job-to-job search sequence set out in the Act is exhausted.

Under the amendments, proportional value comparisons will be possible. The parties can decide whether to develop their plan using only proportional value comparisons, or to begin with job-to-job and fill in with proportional value comparisons for those job classes where job-to-job comparisons are not feasible.

If the employer and bargaining agent are unable to agree on which job comparison methodology should be used, the amendments will specify that job-to-job comparisons should be made first, and proportional value comparisons should be added on afterwards. This sequencing of job comparison methods should cause the implementation of pay equity the least amount of disruption since it ensures that, unless the parties agree otherwise, no part of a plan already posted will have to be redone.

The amendments will set out principles that must be adhered to when a proportional value comparison method is used to achieve pay equity. Particular proportional value methods, therefore, will not be prescribed. These principles, which must be met, will state the following:

- That, as with all comparisons required by the Act, a gender neutral comparison system must be used to establish the value of the work performed by both the female and male job classes.

- Proportional value comparisons will be defined to mean that the relationship between value and compensation is the same for both the female and male job classes. Specifically, the definition for proportional value comparisons will require that the relationship between the job rate of female job classes and the value of the work of these female classes is the same as the relationship between the job rate of male job classes and the value of the work of these male job classes.

- o **If the comparison indicates that the female job classes are being paid less, relative to value, than male job classes, pay equity adjustments must be made until that difference no longer exists.**

The Pay Equity Office and its Review Services will be available to help parties assess if a proportional value methodology is possible in their workplace. Employers will be required to inform the Pay Equity Office, in writing, if there are any female job classes in the establishment which cannot use job-to-job and/or proportional value comparisons to achieve pay equity because of a lack of male compa ators. Prior to informing the Pay Equity Office, employers and their bargaining agent, if any, would have searched for a comparator using the present job-to-job method, the new proportional value approach or a combination of the two.

5.0 Deemed Approved Plans

Under the present law plans are deemed to be approved under two circumstances:

- o for bargaining unit plans - when the bargaining agent and the employer negotiate, agree to, and post a plan;

- o and for non-bargaining unit plans - when the period set out in the Act for objections between the employer and employees has lapsed and no such objection is filed or after an objection is resolved. This objection process will continue under the amendments.

Details about what the proposed amendments will require in the circumstances of a deemed and not deemed approved plan are provided below.

1. **The Amendments and Plans which have been Deemed Approved**

   - o **If all the female job classes have a male job class comparator:**

     - Pay equity plans which were deemed to be approved will not need to be reopened.

     - Adjustments determined under such plans will continue to be paid out according to the timetable and deadlines currently prescribed in the Act.

   - o **If any female job classes does not have a male job class comparator:**

     - The plan must be reopened so that proportional value comparisons can be made for those female job classes without job-to-job comparators. The amendments will provide for a six-month period to develop this part of the plan.

- Any pay equity adjustments calculated prior to the effective date of the amendment must continue to be paid out as per the requirements set out in the Act. After the amendments become effective, if additional pay equity adjustments are calculated using proportional value, the revised pay equity plan must include these newly calculated adjustments. This revision may change the timetable for the pay-out of the adjustment that female job classes receive and the projected date by which pay equity will be achieved. In the public sector, pay equity must still be achieved by January 1, 1995.

- Any adjustments newly calculated because of the proportional value amendment will be effective no later than the January after proclamation of the amendments.

o The process of changing or adding to a plan, as a result of the proposed amendments, will be similar to the requirements for developing and posting a pay equity plan under the present Act:

  - Changes to a bargaining unit plan must be negotiated, agreed to and posted. The revised plan is then deemed approved.

  - The employer must notify the Pay Equity Office if a plan is not posted by its deadline. The bargaining agent may notify the Office of this delay.

  - Review Services will be available to help the parties settle outstanding differences. Review Officers may order plans to be prepared or altered where necessary.

  - Non-bargaining unit plan changes will be developed by the employer and must be posted. Employees will have 90 days after the date the amended plan is posted to object to the employer about the revisions and the employer will have seven days to respond. Employees who remain dissatisfied with the employer's response will have 30 days to file an objection with the Pay Equity Office (i.e., to voice their disagreements about the revisions to the plan). The changes will be deemed to be approved, a maximum of 127 days after posting, if there are no objections filed or after disputes are resolved.

o An employer and the bargaining agent, if any, may choose to use proportional value for all female job classes in the plan. However, for pay equity plans which were posted or which were required to be posted in 1990 and 1991, no female job class shall receive a lower wage through proportional value than would have resulted from job-to-job comparisons.

2. **The Proposed Amendments and a Plan which was Not Deemed Approved or not yet required to be posted by the amendment effective date.**

- o Where the **plan has not yet been deemed to be approved**, the same rules apply:
  - All female job classes must be compared using a gender neutral comparison system;
  - Proportional value comparisons may be used for the entire plan; and
  - If the bargaining agent and employer cannot agree about the method of comparison, job-to-job comparison will be used first and proportional value must be added on afterwards.

- o There are certain circumstances where proportional value comparisons may appear not to be viable or appropriate. For example, if there is only one male job class which is at the top end of the wage scale while most of the female job classes are at the bottom end of the wage scale. In this instance, it may seem that these job classes are so unevenly distributed in terms of their compensation and value that there is no relationship between them. If there are any female job classes, as in this case, which cannot achieve pay equity, the employer must and the bargaining agent, if any, may notify the Pay Equity Office about this situation. Review Officers will assist in attempting to identify if there is any proportional value method appropriate to this workplace. In those cases where it is not possible to find comparators using a proportional value method, the Review Officer will inform the parties that no such method is appropriate. For the public sector, the proxy comparison method will then be available to provide for the achievement of pay equity.

From time to time, as needed, regulations and guidelines may be issued to assist the parties in applying proportional value comparisons.

6.0 Where Proportional Value has Already been Applied

Some employers have already used proportional value comparisons in good faith because it was determined to be an effective method of achieving pay equity in their workplaces. However, this was done in the absence of legislative permission. Such plans will be validated retroactively provided that the proportional value method used meets the principles established in the amendments, determines the value of female jobs in a gender neutral manner, and fairly and consistently relates the value of the work performed and the compensation received. It should be noted, however, that until proportional value comparisons are included in the statute, the Pay Equity Office is obliged to assess any complaints on the basis of the current Act.

EXTENDING PAY EQUITY BY PROXY COMPARISONS FOR THE PUBLIC SECTOR ONLY

MINISTRY OF LABOUR
FEBRUARY, 1991

Extending Pay Equity to the Public Sector by Proxy Comparisons

1.0 Introduction

On December 18, 1990 the Minister of Labour announced in the House that he intends to introduce amendments to the Pay Equity Act, 1987 to permit proxy comparisons in the public sector for female job classes unable to benefit from the current Act or from proportional value comparisons. The proxy method will enable predominantly female organizations in the public sector to achieve pay equity by using comparators outside the organization.

The Minister also announced that the Government will assist public sector organizations in meeting their pay equity obligations. In particular, the Government will provide funding to those organizations that must use proxy comparisons to achieve pay equity.

The purpose of this section of the paper is twofold: to provide an overview of how proxy comparisons might be applied, and to provide a framework for consultation. Public sector agency associations, unions, employee groups and interest groups who will be using the proxy comparison method are invited to participate in consultation meetings. Written submissions are also welcome.

This paper poses questions in two areas: 1) the application of the proxy methodology; and 2) the identification of appropriate proxy organizations.

In developing the amendments on proxy comparisons, the Government will give effect to a number of principles:

- the Act should include comparison methods to ensure pay equity for all public sector female job classes;

- the implementation of proxy comparisons should be as simple as possible;

- there should be no additional amount beyond 1% of the previous year's payroll required to be devoted to pay equity adjustments.

Under the current Act, pay equity adjustments are determined by carrying out a gender neutral comparison of the value of female job classes and male job classes (job-to-job comparisons) within a given establishment. When a male job class is paid more than an equally or comparably valued female job class, then the female job class must receive a pay equity adjustment that will bring it to the job rate of the comparable male job class. In the public sector this must be achieved by 1995.

Proxy comparisons are based on the principles set down in the existing Act. However, in proxy comparisons the female job classes are matched to female job classes in an outside public sector establishment (referred to as the proxy organization). The pay equity adjustments are the same dollar amount as those received by corresponding female job classes in the proxy organization.

This approach is based on the assumption that the pay equity adjustments in a proxy organization are relevant for comparably valued female job classes in the "seeking" organization with similar jobs. (The term "seeking organization" always refers to both the employer and any bargaining agent representing those employees in female job classes without comparators.)

2.0 Selecting the Appropriate Proxy Organization

Because proxy comparisons must be carried out with information from an outside organization, the process will be facilitated by determining the appropriate proxy organization in a Schedule to the Act. The Schedule will be developed after consultation with affected parties.

In the existing Schedule to the Act, which lists the public sector organizations, a small number of organizations are individually listed because of their unique nature. However, most organizations are identified by the legislation that establishes them, the programs they administer, or the source of their funding. The Proxy Schedule will adopt the same model in listing the appropriate proxy organizations. The legislation will require that the seeking organization use only one proxy organization for all its female job classes without comparators.

2.1 The Proxy Schedule

A number of principles have been identified to guide the determination of proxy organization in the Schedule.

First, the proxy organization must fall within one or more of the following three categories:

- a public sector organization in which similar work is performed as in the seeking organization and which is in the same geographic area as the seeking organization; or,
- a public sector organization on which the seeking organization has patterned its bargaining or on which it has modeled its compensation system; or,
- the Ontario Public Service (OPS).

In addition:

- the proxy organization must be large enough not only to have jobs similar to those in the seeking organization, but also to have found comparisons for them.

In child care centres, for example, the most appropriate proxy may be the municipality, an early childhood education lab school in a nearby community college, or the OPS. A social-service agency might look to a hospital, a municipality, or the OPS for an appropriate proxy organization.

The Ministry of Labour is seeking input from interested parties in the development of this Schedule through both written submissions and face-to-face consultations. The Ministry seeks answers to the following questions concerning the Schedule with regard to the organization(s) that you represent:

1. **Based on the principles detailed above, what is the most appropriate proxy organization (or type of proxy organization) for your organization(s)?**

2. **What factors have you considered in choosing this organization? Which of the principles are met in this choice?**

3. **Is there more than one proxy organization that meets the principles listed above? What are they and why are they appropriate?**

2.2 Bargaining the Proxy Organization

In accordance with the present Act, pay equity plans for bargaining unit job classes are negotiated by the employer and the bargaining agent. These workplace parties may agree to a proxy organization other than that listed in the Schedule to achieve a greater overall benefit for employees. However, if the proxy organization used is other than that indicated in the Schedule, any government funding will be based on the adjustments arrived at through the scheduled proxy.

3.0 Proxy Comparison Methodology

3.1 Information and Assistance

Proxy comparisons require the use of information about the compensation practices of another public sector organization. To facilitate the process, the Pay Equity Office will be responsible for gathering the necessary information from the proxy organizations. This will reduce demands on the proxy organizations, preserve confidentiality of compensation information, and limit the costs for both seeking and proxy organizations.

Seeking organizations may request information from proxy organizations on their own; however, there will be no legal obligation for proxy organizations to provide that information to anyone other than the Pay Equity Office.

Similarly, if the seeking organization bargains a proxy other than that indicated in the Schedule, then it will be responsible for collecting the necessary information from the proxy organization. However, the proxy organization selected will be under no legal obligation to supply this information to anyone other than the Pay Equity Office.

The Pay Equity Office will also be able to provide information to seeking organizations on the use of the proxy approach.

A number of questions should be addressed with respect to collecting information:

4. **What kind of information should be collected from the proxy organizations by the Pay Equity Office so as to be most useful to the seeking organizations?**

5. **Are there any kinds of information that the proxy organization would have difficulty providing?**

6. **What would be the best way to proceed if the proxy organization designated on the Schedule had not yet completed its plan, or if there were a complaint against some aspect of the plan?**

3.2 Job Evaluation and Comparison of Female Job Classes

In order to carry out proxy comparisons, the seeking organization must be able to assign job values to both its own female job classes and to those similar female job classes in the proxy organization.

The present Act requires that job classes be evaluated by the use of a gender neutral job comparison system. The amendments will not change this underlying premise that compensation should reflect the value of work performed for the employer. However, there may be a number of different approaches to evaluating jobs. The major issue needing to be addressed is the following:

7. **How exact do the job matches between the seeking and proxy organizations need to be?**

In most cases the seeking organization should be able to find job matches in the proxy organization. Should that not be possible, one solution for the seeking organization is to develop a "pay equity adjustment line." This line is an adaptation of the proportional value approach outlined in the previous section of this paper. The following questions should be addressed with respect to the possible lack of job matches.

8. **How would you propose to deal with a situation in which some female job classes had no match in the proxy organization (given that only one proxy organization may be used)? Why would you choose a particular approach?**

3.3 Pay Equity Adjustments

The seeking organization's female job classes will receive a pay equity adjustment of the same dollar amount as that received by the comparably valued female job class in the proxy organization.

When the female job classes are represented by a bargaining agent it will be possible for the parties to negotiate an overall benefit greater than that required by the legislation. However, government financial assistance will be based on the requirements as determined by the Proxy Schedule of the amended Act.

3.4 Seeking Organizations

Proxy comparisons will be required for public sector organizations, as listed in the Schedule to the Pay Equity Act, that cannot cover all their female job classes by using job-to-job or proportional value comparisons or a combination of the two. The Schedule to the Act, which sets out the public sector, is being reviewed to determine whether it requires updating.

9. Are there any public sector organizations that are not included in the Schedule that should be added?

4.0 Pay Equity Plans and the Proxy Methodology

If the organization is not able to find comparisons for its female job classes by using either or both the job-to-job and proportional value methods, the employer must notify the Pay Equity Office in writing. Only then will public sector organizations be able to (and be required to) proceed with proxy comparisons.

Once the Pay Equity Office has determined that proxy comparisons are required, the organization must post a notice indicating that proxy comparisons will be carried out and posted within six months after the proclamation of the amendments.

The posted proxy plan will be required to state the following:

- the proxy organization;
- whether it was the Scheduled one, or a separately bargained one;
- how the proxy method was applied;
- the amount of adjustment for each job class; and
- the schedule for making the adjustments.

The adjustments will become effective no later than the first of January after proclamation of the amendments. Pay equity must be achieved by January 1, 1995 as required of all public sector organizations in the Act.

Finally, the provisions of the present Act with regard to time for non-union employees' comments, objections and complaints about the plan will continue, except that the time period (90 days for comment and objection to the employer, 7 days for employer response and 30 days for employee complaints to the Pay Equity Office) will begin on the day the plan is actually posted.

5.0 Obligations of the Proxy Organization

Proxy organizations identified in the amendments to the Act will be required to provide any given piece of information only once to the Pay Equity Office.

The type of information required will be limited. However, the proxy organization will be required to provide sufficient information (such as job descriptions or job information) to the Pay Equity Office to enable the seeking organization to carry out job comparisons. The proxy organization will also be required to provide information on the dollar amount of the pay equity adjustment received by female job classes. It is intended that information provided in good faith by the proxy organization shall not be used in any way to its disadvantage.

6.0 Proxy Consultations

The Ministry of Labour is requesting that employer and employee organizations, representative of public sector agencies affected by proxy comparisons, provide written submissions addressing the specific questions outlined in this paper. The Pay Equity Office will be taking the lead in the consultations on proxy methodology. Submissions should be sent to:

Proxy Consultations
Fifteenth Floor
Ministry of Labour
400 University Avenue
Toronto, M7A 1T7
Fax # (416) 326-7383

Because of the timetable to table the legislation in the next session, submissions should be received by March 15, 1991.

If you would also like to address these questions by participating in a consultation meeting with Ministry of Labour and Pay Equity Office staff, please phone (416) 326-7858 to make an appointment.

Summary of Questions for Consultations on Proxy Comparisons

1. **Based on the principles detailed above, what is the most appropriate proxy organization (or type of proxy organization) for your organization(s)?**

2. **What factors have you considered in choosing this organization? Which of the principles are met in this choice?**

3. **Is there more than one proxy organization that meets the principles listed above? What are they and why are they appropriate?**

4. **What kind of information should be collected from the proxy organizations by the Pay Equity Office so as to be most useful to the seeking organizations?**

5. **Are there any kinds of information that the proxy organization would have difficulty providing?**

6. **What would be the best way to proceed if the proxy organization designated on the Schedule had not yet completed its plan, or if there were a complaint against some aspect of the plan?**

7. **How exact do the job matches between the seeking and proxy organizations need to be?**

8. **How would you propose to deal with a situation in which some female job classes had no match in the proxy organization (given that only one proxy organization may be used)? Why would you choose a particular approach?**

9. **Are there any public sector organizations that are not included in the Schedule that should be added?**

CONCLUSION

The introduction of proportional value and proxy comparison amendments is the next step in the government's commitment to ensuring equitable wages for all working women in Ontario.

In addition, the Ministry of Labour will soon release a report that will serve as a springboard for consultation to develop measures both within and outside the Pay Equity Act of achieving equitable wages for all working women. Specifically, the Ministry of Labour will seek ways to ensure fair wages to women who work for private sector employers with fewer than ten employees, and to those women in the private sector who will not be able to benefit from the proposed amendments.

This Schedule is presented for convenience only.
The Statutes should be referred to for complete accuracy.

SCHEDULE

1. The public sector in Ontario consists of,

(a) the Crown in right of Ontario, every agency thereof, and every authority, board, commission, corporation, office or organization of persons a majority of whose directors, members or officers are appointed or chosen by or under the authority of the Lieutenant Governor in Council or a member of the Executive Council;

R.S.O. 1980, c. 303

(b) the corporation of every municipality in Ontario, every local board as defined by the *Municipal Affairs Act*, and every authority, board, commission, corporation, office or organization of persons whose members or officers are appointed or chosen by or under the authority of the council of the corporation of a municipality in Ontario;

R.S.O. 1980, c. 129

(c) every board as defined in the *Education Act*, and every college, university or post-secondary school educational institution in Ontario the majority of the capital or annual operating funds of which are received from the Crown;

R.S.O. 1980, cc. 410, 389, 79, 391

(d) every hospital listed in the Schedule to Regulation 863 of Revised Regulations of Ontario, 1980 made under the *Public Hospitals Act*, every private hospital operated under the authority of a licence issued under the *Private Hospitals Act*, every hospital established or approved by the Lieutenant Governor in Council as a community psychiatric hospital under the *Community Psychiatric Hospitals Act* and every sanitarium licensed by the Lieutenant Governor in Council under the *Private Sanitaria Act*;

(e) every corporation with share capital, at least 90 per cent of the issued shares of which are beneficially held by or for an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

(f) every corporation without share capital, the majority of whose members or officers are members of, or are appointed or chosen by or under the authority of, an employer or employers described in clauses (a) to (d), and every wholly-owned subsidiary thereof;

1983, c. 10

(g) every board of health under the *Health Promotion and Protection Act, 1983*, and every board of health under an Act of the Legislature that establishes or continues a regional municipality;

(h) the Office of the Lieutenant Governor of Ontario, the Office of the Assembly, members of the Assembly, the Office of the Ombudsman and the Provincial Auditor; and

(i) any authority, board, commission, corporation, office, person or organization of persons, or any class of authorities, boards, commissions, corporations, offices, persons or organizations of persons, set out in the Appendix to this Schedule or added to the Appendix by the regulations made under this Act.

2. For the purposes of this Schedule, "municipality" includes a metropolitan, regional or district municipality and the County of Oxford.

1987, c. 34, Sched.

APPENDIX

MINISTRY OF AGRICULTURE AND FOOD

1. Ontario Dairy Herd Improvement Corporation.

MINISTRY OF CITIZENSHIP AND CULTURE

1. The Art Gallery of Ontario.
2. CJRT-FM Inc.
3. Royal Botanical Gardens.

MINISTRY OF COLLEGES AND UNIVERSITIES

1. Algoma College.
2. Assumption University.
3. Brescia College.
4. Canterbury College.
5. Collège dominicain de philosophie et de théologie.
6. Concordia Lutheran Seminary.
7. Conrad Grebel College.
8. Hearst College.
9. Holy Redeemer College.
10. Huntington University.
11. Huron College.
12. Iona College.
13. King's College.
14. Knox College.
15. L'Université de Sudbury.
16. McMaster Divinity College.
17. Nipissing College.
18. Queen's Theological College.
19. Regis College.
20. Renison College.
21. St. Augustine's Seminary.
22. St. Paul's United College.
23. St. Paul University.

24. St. Peter's Seminary.

25. The University of St. Jerome's College.

26. The University of St. Michael's College.

27. Thorneloe University.

28. Trinity College.

29. Victoria University.

30. Waterloo Lutheran Seminary.

31. Wycliffe College.

MINISTRY OF COMMUNITY AND SOCIAL SERVICES

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) children's residences operating under the *Child and Family Services Act, 1984* (c. 55);

(b) homes for the aged operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(c) counselling services and staff training purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(d) counselling services purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(e) hostels providing services purchased by municipalities under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188);

(f) work activity projects under the *General Welfare Assistance Act* (R.S.O. 1980, c. 188) purchased by municipalities or the Ministry of Community and Social Services;

(g) support services to the physically handicapped purchased by the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(h) vocational rehabilitation services funded by the Ministry of Community and Social Services under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(i) satellite homes operating or funded under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203);

(j) nursing services purchased or funded under the *Homemakers and Nurses Services Act* (R.S.O. 1980, c. 200);

(k) workshops under the *Vocational Rehabilitation Services Act* (R.S.O. 1980, c. 525);

(l) services funded under the *Developmental Services Act* (R.S.O. 1980, c. 118);

(m) homes for retarded persons and auxiliary residences under the *Homes for Retarded Persons Act* (R.S.O. 1980, c. 201);

(n) day nurseries operated by corporations or municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111) receiving direct subsidies from the Ministry of Community and Social Services;

(o) day nurseries and private home day-care agencies providing services and funded under agreements with municipalities under the *Day Nurseries Act* (R.S.O. 1980, c. 111);

(p) credit counselling services receiving financial assistance under agreements with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(q) young offenders services funded under Part IV of the *Child and Family Services Act, 1984* (c. 55) or under an agreement with the Ministry of Community and Social Services under the *Ministry of Community and Social Services Act* (R.S.O. 1980, c. 273);

(r) services to children funded or purchased by the Ministry of Community and Social Services under the *Child and Family Services Act, 1984* (c. 55).

2. Societies within the meaning of the *Child and Family Services Act, 1984* (c. 55) and agencies from whom such societies purchase child care services.

3. Corporations operating charitable institutions approved under the *Charitable Institutions Act* (R.S.O. 1980, c. 64).

4. Boards of management operating under the *Homes for the Aged and Rest Homes Act* (R.S.O. 1980, c. 203).

5. District Welfare Administration Boards operating under the *District Welfare Administration Boards Act* (R.S.O. 1980, c. 122).

MINISTRY OF CORRECTIONAL SERVICES

1. Any agency, board, commission, person or partnership that provides, under funding by the Ministry of Correctional Services,

(a) assistance to witnesses, victims of crime or disabled persons;

(b) educational, employment search, medical or promotional services;

(c) supervision of inmates, parolees, probationers or persons accused of crime;

(d) community residential services.

MINISTRY OF EDUCATION

1. Centre franco-ontarien de ressources pédagogiques.

MINISTRY OF HEALTH

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) an ambulance service, under the authority of a licence issued under the *Ambulance Act* (R.S.O. 1980, c. 20);

(b) a nursing home, under the authority of a licence issued under the *Nursing Homes Act* (R.S.O. 1980, c. 320);

(c) a laboratory or a specimen collection centre, under the authority of a licence issued under the *Laboratory and Specimen Collection Centre Licensing Act* (R.S.O. 1980, c. 409);

(d) a psychiatric facility within the meaning of the *Mental Health Act* (R.S.O. 1980, c. 262), the operation of which is funded in whole or in part by the Ministry of Health;

(e) a home for special care established, approved or licensed under the *Homes for Special Care Act* (R.S.O. 1980, c. 202);

(f) a home care facility within the meaning of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197) or a facility which, by arrangement with any such home care facility,

(i) supplies nursing, physiotherapy, occupational therapy or speech therapy services that are insured home care services under section 44 of Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197), and

(ii) is entitled to payment from the home care facility for or in respect of supplying such services;

(g) a rehabilitation centre or a crippled children's centre listed in Schedule 10 to Regulation 452 of Revised Regulations of Ontario, 1980 made under the *Health Insurance Act* (R.S.O. 1980, c. 197);

(h) a detoxification centre the operation of which is funded in whole or in part by the Ministry of Health;

(i) an adult community mental health service the operation of which is, pursuant to an agreement in writing, funded in whole or in part by the Ministry of Health;

(j) a placement service the operation of which is, pursuant to a "Placement Co-ordination Service Agreement" or other agreement in writing, funded in whole or in part by the Ministry of Health.

2. A district health council appointed under the *Ministry of Health Act* (R.S.O. 1980, c. 280).

3. A laundry that is operated exclusively for one or more than one hospital.

4. Hospital Food Services—Ontario Inc.

5. Toronto District Heating Corporation.

6. Addiction Research Foundation.

7. The operations in Ontario of the Canadian Red Cross Society, other than the provision by the society of home support services for the elderly and homemaking services.

8. The Hospital Council of Metropolitan Toronto.

9. The Hospital Medical Records Institute.

10. The Ontario Cancer Institute.

11. The Ontario Cancer Treatment and Research Foundation.

12. The Ontario Mental Health Foundation.

13. The Toronto Institute of Medical Technology.

MINISTRY OF INDUSTRY, TRADE AND TECHNOLOGY

1. Metropolitan Toronto Convention Centre.

MINISTRY OF MUNICIPAL AFFAIRS

1. Any authority, board, commission, corporation, office, person or organization of persons which operates or provides,

(a) the collection, removal and disposal of garbage and other refuse for a municipality;

(b) the operation and maintenance of buses for the conveyance of passengers under an agreement with a municipality.

MINISTRY OF NATURAL RESOURCES

1. Conservation Authorities established under the *Conservation Authorities Act* (R.S.O. 1980, c. 85).

MINISTRY OF TOURISM AND RECREATION

1. St. Clair Parkway Commission.

MINISTRY OF TREASURY AND ECONOMICS

1. Ontario Municipal Employees Retirement Board.

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